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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/606,697
Filing Date: June 26, 2003
Appellant(s): WILK, TOMASZ FRANCISZEK

H. Artoush Ohanian
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/18/08 appealing from the Office action mailed 11/15/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,202,092	Takimoto	3-2001
5,819,047	Bauer	10-1998

5,777,882	Salgado	7-1998
7,158,244	Sommer	1-2007

U.S. patent application publication 2001/0017700 by Homma (August 30th, 2001)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1) Claims 1, 5, 7, 8, 10, 12, 17, 19, 21, 22 and 24 are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. patent 6,202,092 by Takimoto.

2) Regarding claims 1, 12 and 17, Takimoto teaches a data processing network, comprising: a first printer connected to a network medium (Figure 1, item 3); a set of print clients connected to the network medium, wherein each print client is enabled to permit a user to submit a print job to the first printer (Column 4, lines 13-19); a first print job table to store information indicative of first printer capacity available to the user (Column 5, lines 3-14, table could be the number of pages allowed for each user such as in Figures 3a and 3b), the first print job table being stored in a computer readable medium (Column 4, lines 44-45); and computer code means for determining whether to accept a new print job submitted by the user based on a comparison of the size of the new print job and the user's available first printer capacity (Column 5, lines 3-14), and

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updating the available capacity information (Column 5, lines 30-35), including code means for deleting a first print job table entry corresponding to the user responsive to determining that the user's available first printer capacity is equal to or greater than a predetermined threshold (Column 5, lines 16-19).

4) Regarding claims 5 and 21, Takimoto teaches the network of claim 1, wherein the code means for updating the available capacity information is further characterized as code means for determining the actual amount of capacity required to process the user's pending print jobs (Column 5, lines 3-14).

6) Regarding claim 7, Takimoto teaches the network of claim 1, wherein the first print job table includes an entry for every user authorized to submit print jobs to the first printer (Column 3, line 56).

A user without an ID cannot print, therefore there is an entry for everyone authorized to print.

7) Regarding claim 8, Takimoto teaches the network of claim 1, further comprising code means for rejecting a newly submitted print job if the size of the print job exceeds a predetermined maximum print job size associated with the printer (Column 5, lines 3-14).

If the user exceeds his/her quota (a predetermined maximum) then the print job is rejected. This quota is certainly "associated" with the printer in Takimoto.

8) Regarding claims 10 and 24, Takimoto teaches the network of claim 1, further comprising a first print server connected between the network medium and the first

printer, wherein the first print job table and the computer code means are stored in a storage medium of the first print server (Column 4, lines 11-12; Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9) Claims 2, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,202,092 by Takimoto as applied to claim 1 above, and further in view of U.S. patent 5,819,047 by Bauer et al.

10) Regarding claims 2 and 18, Takimoto does not specifically teach the network of claim 1, wherein the available capacity information is indicative of the difference between a print quota associated with the user and the remaining size of all pending print jobs submitted by the user.

Bauer teaches the network of claim 1, wherein the available capacity information is indicative of the difference between a print quota associated with the user and the remaining size of all pending print jobs submitted by the user (Column 5, lines 3-15).

Takimoto and Bauer are combinable because they are both from the network printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takimoto with Bauer to add detection of pending jobs. The motivation for doing so would have been so that if a user is over quota “the user is denied consumption” (Column 5, line 14). Therefore it would have been obvious to combine Takimoto with Bauer to obtain the invention as specified by claims 2 and 18.

11) Regarding claim 9, Takimoto does not specifically teach the network of claim 1, further comprising a second printer connected to the network and available to the user for submitting print jobs and a second print job table to store information indicative of second printer capacity available to the user, the second print job table being stored in a computer readable medium.

Bauer teaches the network of claim 1, further comprising a second printer connected to the network and available to the user for submitting print jobs and a second print job table to store information indicative of second printer capacity available to the user, the second print job table being stored in a computer readable medium (Column 4, lines 58-67; Figure 2).

Takimoto and Bauer are combinable because they are both from the network printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takimoto with Bauer to add more printers. The motivation for doing so would have been to have access to a wider range of printing capabilities. Therefore it would have been obvious to combine Takimoto with Bauer to obtain the invention as specified by claim 9.

12) Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,202,092 by Takimoto as applied to claim 1 above, and further in view of U.S. patent 5,777,882 by Salgado.

13) Takimoto does not specifically teach the network of claim 1, wherein the code means for updating the available capacity information includes code means for periodically adjusting the available capacity information of each user based on an approximation of the amount of print processing that has occurred since a previous period.

Salgado teaches the network of claim 1, wherein the code means for updating the available capacity information includes code means for periodically adjusting the available capacity information of each user based on an approximation of the amount of print processing that has occurred since a previous period (Column 18, line 51 – Column 19, line 12).

Takimoto and Salgado are combinable because they are both from the network printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takimoto with Bauer to add adjusting capacity based on user history. The motivation for doing so would have been to assign more capacity to a user “on the basis of frequency of use” (Column 19, line 39). Therefore it would have been obvious to combine Takimoto with Salgado to obtain the invention as specified by claims 4 and 20.

14) Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,202,092 by Takimoto, and further in view of U.S. patent application publication 2001/001770 by Homma.

Regarding claims 11 and 23, Takimoto does not specifically teach the network of claim 1, wherein the first print job table and the computer code means are stored in a storage medium of the first printer.

Homma teaches the network of claim 1, wherein the first print job table and the computer code means are stored in a storage medium of the first printer (paragraph 89).

Takimoto and Homma are combinable because they are both from the printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takimoto with Homma to add storing the user information on a printer. The motivation for doing so would have been because “the usage conditions can be finely calculated and managed to charge the users” (paragraph 89). Therefore it would have been obvious to combine Takimoto with Homma to obtain the invention as specified by claims 11 and 23.

19) Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,202,092 by Takimoto and further in view of U.S. patent 7,158,244 by Sommer et al.

Takimoto does not specifically teach the computer program product of claim 14, wherein the code means for modifying the first print job table to reflect changes in the size of any pending print jobs includes code means for estimating progress made on the pending print jobs based at least in part on the amount of time elapsed since submission of the print job.

Sommer teaches the computer program product of claim 14, wherein the code means for modifying the first print job table to reflect changes in the size of any pending print jobs includes code means for estimating progress made on the pending print jobs based at least in part on the amount of time elapsed since submission of the print job (Column 9, lines 55-60).

Takimoto and Sommer are combinable because they are both from the network printing field of endeavor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takimoto with Sommer to add time estimate. The motivation for doing so would have been to inform the user. Therefore it would have been obvious to combine Takimoto with Sommer to obtain the invention as specified by claim 16.

(10) Response to Argument

In response to applicant's argument for claim 1, that Takimoto does not teach "updating the available capacity information, including code means for deleting a first

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print job table entry corresponding to the user responsive to determining that the user's available first printer capacity is equal to or greater than a predetermined threshold", examiner disagrees.

Examiner's interpretation of this claim language is that there are three features to this portion of claim. First, there is "updating available capacity information", which Takimoto clearly teaches in column 5, lines 30-35 (updating the number of pages used by a user), and does not appear to be refuted by applicant's arguments specifically. The second feature of the disputed claim language is that a "print job table entry corresponding to the user" is deleted responsive to the outcome of a comparison, which the examiner interprets as the transmission of a print job, from the print job table (print job table is the print driver in Takimoto, figure 1, item 22) to the printer (figure 1, item 3) when the comparison outcome is true. Examiner's position is that deletion from a print job table merely means that the print job is no longer in the print job table (i.e. transmitted to the printer for printing as shown in Takimoto in column 5, lines 20-23), which, in view of applicant's specification, is basically the same interpretation as applicant's view of deletion (as will be discussed below). The third feature of the disputed claim language is the determination of a comparison between "available first printer capacity" (i.e. a user's available print quota) and a threshold (basically: is print quota greater than or equal to a threshold?). Examiner's interpretation of this feature is that the print quota is being compared to the amount of pages in a job (a predetermined threshold) which is taught by Takimoto in column 5, lines 9-10. Therefore the interpretation of the summation of the second and third features of the disputed claim

would be that if a user's print quota was greater than or equal to the number of pages requested for a print job then the job would proceed as normal and be transmitted out of the print job table (i.e. deleted) and sent to the printer, where the data would be printed.

This interpretation of the second and third features of applicant's disputed claim language is supported by applicant's own specification, specifically paragraph 18. While examiner's interpretation of specific items of the claim may differ slightly from applicant's specification (the predetermined threshold, deletion), the overall function and outcome of Takimoto and applicant's invention are the same. That is to say, applicant's invention involves a comparison in order to ascertain whether jobs were already processed (i.e. completed successfully) and then deletes the user information pertaining to the jobs from a table. This is merely a restatement of common printing principles (deleting print job information when that print job has been printed), which are taught by Takimoto, as discussed above.

In addition to the previous argument refuting applicant's assertion that Takimoto does not teach deletion, examiner further notes that in column 5, line 23, the print job is referred to as a "temporary" file in the memory of the "print job table" (Takimoto's print driver). This would mean that there is no permanent storage of print jobs in the table, and that when a job passes the print quota comparison test and is transmitted to the printer, the job is not kept in the storage and is in effect deleted. In fact, the lack of any storage for print jobs in the driver of Takimoto (i.e. the print job table) that is not "temporary" makes the deletion of an authorized and completed print job inherent in the system of Takimoto.

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Since Takimoto teaches or suggests all the features of claim 1, the current rejection stands.

Regarding applicant's arguments for claims 2, 4, 5, 7-12, 16-18, 20, 21, 23 and 24, examiner believes that these arguments cover the same subject matter as the argument for claim 1 and therefore the examiner's response to claim 1 above can be referred to for these claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Benjamin O Dulaney/

Examiner, Art Unit 2625

Conferees:

David Moore

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625

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